

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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E/cb

WILLIAM F. MASTRO, J.P.
THOMAS A. DICKERSON
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2009-05061, 2009-05062

DECISION & ORDER ON
MOTION

Anthony Castoro, respondent,
v Ken Xie, et al., appellants.
(Action No. 1)

Joseph Castoro, et al., respondents,
v Ken Xie, et al., appellants, et al., defendant.
(Action No. 2)

(Index Nos. 20689/06, 20690/06)

Motion by the appellants to stay all proceedings in the above-entitled actions, including the trial, pending hearing and determination of appeals from two orders of the Supreme Court, Kings County, dated December 15, 2008, and February 11, 2009, respectively.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted to the extent that the trial of the above-entitled actions is stayed pending hearing and determination of the appeals on condition that the appeals are perfected on or before July 16, 2009, and the motion is otherwise denied; and it is further,

ORDERED that in the event the appeals are not perfected on or before July 16, 2009, the court, on its own motion, may vacate the stay, or the respondents may move to vacate the stay, on three days notice.

MASTRO, J.P., DICKERSON, ENG and HALL, JJ., concur.

ENTER:


James Edward Pelzer

June 16, 2009

CASTORO v KEN XIE

Clerk of the Court

June 16, 2009

CASTORO v KEN XIE